

APPROVED

TOWN OF WESTFORD

BOARD OF SELECTMEN

MINUTES

DATE: December 2, 2003

TIME: 7:30 P.M.

PLACE: J.V. Fletcher Library

PRESENT: Christopher Romeo, Robert Jefferies, Dini Healy-Coffin,
Allan Loiselle, James Silva

OTHERS

PRESENT: Steve Ledoux-Town Manager, Audience Members

Open Forum

Veronica Whitehouse, Chairman of the 40B Performance Standards Committee, submitted a list of members for appointment to the 40B Performance Standards Committee. **It was moved by Healy-Coffin, seconded by Silva, and VOTED UNANIMOUSLY, to appoint Fred Palmer (Planning Board), Mike Green (Planning Board), Mark Conlon (MPIC), Veronica Whitehouse (MPIC), Jim Silva (Board of Selectmen), Bob Jefferies (Board Selectmen), Eric Fahle (Conservation Commission), Peter Mahler (Conservation Commission), Doug Deschenes (Affordable Housing Committee), Scott Hazelton (Affordable Housing Committee), Sam Frank (Zoning Board of Appeals), Roger Hall (Zoning Board of Appeals), and John Cadigan (Citizen at Large), to the 40B Performance Standards Committee.**

Anthony Degennaro, Senior at Westford Academy, requested permission to place a banner advertising the Westford Academy Holiday Bazaar from Wednesday, December 3, 2003 to Saturday, December 6, 2003 (until 3:00 p.m.). **It was moved by Healy-Coffin, seconded by Jefferies, and VOTED UNANIMOUSLY, to allow Westford Academy Holiday Bazaar to hang a banner from Wednesday, December 3, 2003 to Saturday, December 6, 2003 (until 3:00 p.m.).**

Rome Drive Winter Maintenance Discussion with Planning Board, Town Counsel and Residents of Rome Drive

Gary Brackett, Town Counsel; Richard Barrett, Highway Superintendent; Planning Board Members Peter Fletcher, Andrea Peraner-Sweet, Bob Shaffer and Fred Palmer; and residents from Rome Drive Extension were present to discuss the winter maintenance of Rome Drive Extension.

Barrett outlined the Town of Westford Board of Selectmen Policy and Procedure regarding snow plowing. It was voted by the Board of Selectmen on December 13, 1994, effective January 1, 1995, to stop plowing Planning Board approved new subdivision roads until they are approved by the town. Barrett stated that the finish coat of paving has not been installed on Rome Drive Extension.

Romeo reported that he visited Rome Drive Extension today with Fred Palmer of the Planning Board and noticed that curbing is missing, wash out from the hill, debris dumped on the roadway as well as the lack of final pavement.

Brackett pointed out that the bond money is to guarantee the road and infrastructure will be constructed properly. Under State statute the bond money cannot be used for snow removal. Brackett outlined the Massachusetts General Laws c. 40, §§ 6C and 6D which provide a process by which a municipality may appropriate funds for snow removal on private ways. Brackett stated that typically the responsibility of the road remains with the developer until the road is accepted by the town. Brackett also stated that it would be difficult for the town to selectively pick roads for maintenance as it would set a precedent for other unaccepted roads in town.

Barrett addressed the list of abandoned subdivisions, bond amounts, inventory of infrastructure installed and the costs that would be incurred to bring the roads up to town standards for acceptance. Barrett stated that the developer plowed Rome Drive Extension last winter and that a letter has been sent to him asking him to plow the road again this winter.

Healy-Coffin urged the residents of Rome Drive Extension to hire a private snowplowing contractor until this matter is resolved. Healy-Coffin also suggested that the residents pursue legal action against the developer or that the town pulls the bond with the residents being charged a betterment fee to complete the road.

Steve MacKay, 10 Rome Drive, asked if it was the Planning Board's job to get a sufficient bond in place to complete the road. MacKay felt that he was being penalized for someone else's mistakes.

Fletcher stated that there was sufficient bond money but that partial release of the bond occurs as work is completed. Fletcher also pointed out that some of the residents pleaded with the Planning Board to release the lots on a substandard road. Fletcher

noted that the Planning Board has been trying for two years to get the developer to fix the road.

Barrett outlined the betterment policy and procedure. Jefferies suggested that Endmoor Road should be used for a model for all roads regarding betterments. Jefferies stated that he could not see how the town could differ from that policy.

Brackett stated that the developer owns Rome Drive until such time as acceptance by the town. Brackett stated that if the bond is insufficient and the roadway is incomplete, the town can bring a lawsuit against the developer under the subdivision control law. Peraner-Sweet reported that the developer has filed for bankruptcy. Brackett stated that he would need to work with the Planning Board to see if the town has reached an end point with the developer and then determine if there is a potential for a lien or other legal action.

John Marderosian, 15 Rome Drive, asked if there was a way to put down the top coat of pavement so that the town could plow the snow.

Barrett stated that the subdivision is under the Planning Board's control and that the road must be built to Planning Board standards. The Highway Department has a policy that prohibits permanent paving after November 15th. Barrett was concerned with setting a precedent by allowing paving after that date.

A resident from 7 Rome Drive felt that the 1995 policy was appropriate for the town when it was smaller but after 10 years the town has grown substantially. The resident stated that the town needed to get the road acceptable for plowing and pointed out that she and the other residents of Rome Drive were taxpayers looking for protection. The resident also pointed out that the homeowners have done everything the Conservation Commission has asked of them.

Healy-Coffin stated that the 1995 policy was not antiquated and that it was put into place to protect the town. Healy-Coffin stated that she was willing to extend a decision to allow the residents an opportunity to meet with members of the Board and Barrett off-line to try to resolve the situation. Healy-Coffin pointed out that the Board of Selectmen is a policy setting board and has to be fair to all residents.

Jefferies noted that the Rome Drive Extension is in such poor condition that it would be a waste of money to do the topcoat of pavement at this time. Jefferies also noted that the only reason there is a subdivision is because of a lawsuit filed against the town.

Romeo informed the audience that the Board cannot tell Barrett to plow Rome Drive Extension. Romeo stated that the residents' real issue is with the developer not the town. Romeo agreed with Healy-Coffin's suggestion to meet off-line and recommended that the residents hire a private snowplowing contractor as soon as possible. Romeo also suggested that the residents consider hiring an attorney to look into how this can be redressed with the developer.

Loiselle stated that the residents should get a contractor for snowplowing immediately and to not wait for the Selectmen to make a decision. Loiselle stated that he was not going to spend money on an unscrupulous developer.

James Avery, 4 Rome Drive, stated that he lives on the approved portion of the road and that the developer has damaged that roadway and the easement. Avery asked for some attention to be paid to those damages. Barrett stated that he is aware of the damage done by the developer to the road. Jefferies recommended going after the developer for the damages to Rome Drive.

A resident from 13 Rome Drive stated that home buyers may not understand that they are buying a home on a private road. The resident asked for help from the town and noted that there are children and senior citizens living in the subdivision.

Barrett stated that in order to determine the costs to complete the road an interim as-built plan is needed. Barrett stated that LANDTECH Consultants is willing to prepare an interim as-built plan.

Romeo asked Brackett to do an asset check on the corporate entity. Brackett indicated that he would check with the Trustee in Bankruptcy Court and report back to Ledoux.

It was moved by Loiselle, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to ask the Planning Board to release funds for an interim as-built plan and a cost estimate to complete the road.

Joint Meeting with School Committee to Discuss Shared Technology

School Committee members and Dr. Steve Foster were present to discuss the Shared Technology Partnership with the School and Town as prepared by Ledoux and Foster.

Ledoux made a presentation of the Brief History of Shared Technology and Benefits. Ledoux outlined the Memorandum of Understanding regarding Hire/Fire Decisions, Performance Evaluations, Budget and Priority Setting, Conflict Resolution, and Institute a Town/School Citizen Resource Committee (WTSC).

Foster outlined the job description and made a presentation regarding the Director of Information Technology Position Responsibilities, Position Qualifications, Organizational Chart, and Timeline to Town Meeting.

Jefferies suggested softening up the credentials relative to recent education. Jefferies stated that the town needs to work on keeping communication at a human level.

Liz Adams, Chairman of the Finance Committee, urged the Selectmen and the School Committee to support this Agreement.

Betsy Andrews, School Committee, asked where the return of investment is on the town side. Ledoux stated that the town has several data bases which need to be integrated which will save time, money and effort.

Margaret Murray, Chairman of the School Committee, noted that as the town continues to grow, this system will allow the town to be more effective and efficient.

Don Siriani, School Committee, stated that he had been concerned with developing a new program when the State is cutting money to the town. Siriani now felt that this agreement would be in everyone's interest. Siriani asked that the Organizational Plan be revised to be clearer.

It was moved by Healy-Coffin, seconded by Jefferies, and VOTED UNANIMOUSLY, to adopt the proposal that Ledoux and Foster put together and that the Board implement this joint shared technology with the Town and School Committee as proposed.

Adjournment

It was moved by Healy-Coffin, seconded by Jefferies, and VOTED UNANIMOUSLY, to adjourn the meeting at 9:40 p.m.

Steve Ledoux, Town Manager

Christopher Romeo, Chairman

Submitted by Beth Kinney, Recording Secretary